

#### <u>MEETING</u>

#### **ASSETS, REGENERATION AND GROWTH COMMITTEE**

### **DATE AND TIME**

#### **MONDAY 12TH DECEMBER, 2016**

#### **AT 7.00 PM**

#### <u>VENUE</u>

#### HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	COMMUNITY ASSET STRATEGY IMPLEMENTATION PLAN UPDATE - REPORT TO FOLLOW	3 - 16

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THE COLUMN STREET

AGENDA ITEM 14

# Assets Regeneration and Growth Committee

### **12 December 2016**

Title	Community Asset Strategy Implementation Plan Update		
Report of	Director of Resources		
Wards	All		
Status	Public		
Urgent	No		
Key	No		
Enclosures	Appendix (i) CAS Implementation Phases 1 & 2 Nov 16 Appendix (ii) CAS Implementation Planned Phases 3 – 7 Nov 16		
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## **Summary**

This briefing paper is designed to provide members with an update on the progress of the work carried out so far in terms of community engagement, the development and implementation of the Community Asset Strategy to date.

## Recommendations

1. The Committee is requested to note the content of this briefing paper.

#### 1. WHY THIS REPORT IS NEEDED

1.1 The purpose of this report is to provide Members with an update on the progress and implementation of the CAS Implementation plan.

#### 1.2 The Community Asset Strategy

- 1.2.1 The Community Asset Strategy (CAS) was published in July 2015 and set out how the Council will deal with the portfolio of properties contained within it. The CAS Implementation Plan, published in 2016, has the primary aim of ensuring that there is pro-active management of the community portfolio to;
- 1.2.1.1 realise capital receipts
- 1.2.1.2 reduce revenue costs
- 1.2.1.3 transform and deliver community services in an efficient manner

## 1.3 The CAS Implementation Plan and Community Benefit Assessment Tool (CBAT) System

- 1.3.1 There are approximately 233 community based organisations within the Borough, many of which are small but important organisations that deliver wide ranging services, from yoga to modelling and reading to pottery.
- 1.3.2 Of the 141 properties identified in the CAS, 69 of those properties had occupational agreements that had either come to an end or, were about to expire within the next 3 years. It is these 69 properties therefore which constitute phase 1 of the CAS Implementation Plan.
- 1.3.3 A Community Business Case Coach (CBCC) has been employed to specifically liaise and engage with the various organisations that wish to occupy Council community assets. The CBCC works closely with the Estates Team, to ensure appropriate legal documentation is put into place, to ensure that good business practice and appropriate governance is maintained.
- 1.3.4 The purpose of the CBAT is to provide a transparent method of assessing the amount of rental rebate that would be appropriate against the market rent, which has been assessed by the Lead Estates Surveyor (LES).
- 1.3.5 To date, the CBCC and LES have engaged with 24 of the larger community organisations. Appendix (i) provides a resume and update of that engagement so far.
- 1.3.6 To enable a Community Group to access the CBAT process it needs to clearly demonstrate that they are appropriately constituted as one of the following:

- 1.3.6.1 a Charity,
- 1.3.6.2 a Community Interest Entitya Trust
- 1.3.7 Following on from this, the following 3 steps are crucial to a Community Group obtaining a CBAT rebate;
- 1.3.7.1 completion of an activity log,
- 1.3.7.2 a statement of business case,
- 1.3.7.3 a CBAT assessment.
- 1.3.8 So far, during phase 1 and 2 of the engagement plan, the CBCC has recommended that two of the organisations consulted should be removed from the CBAT process because they failed to meet the criteria outlined in 1.5.6 above.
- 1.3.8.1 One of the organisations is a commercially run school charging £3,000 per child per term.
- 1.3.8.2 The other organisation is a community group who are not appropriately constituted and do not meet the requirements to access the CBAT.
- 1.3.9 This clearly demonstrates that commercial and inappropriately constituted organisations cannot take advantage of the CBAT system. Further, this demonstrates that none of the properties identified within the CAS, will be let to commercial businesses.
- 1.3.10 Should a property become vacant within the Council's portfolio, the property is considered for all uses, including community use. Should a community group be offered a lease in a building not currently designated as a community asset, consideration is given to potentially re-defining that building as a community asset, so that the CBAT can be applied and a subsidised rent potentially awarded.
- 1.3.11 From the engagement carried out, (24 organisations so far) it has been determined by analysing the results of the assessments, that the average rebate granted, is between 70 to 80% off the market rent, that would ordinarily be proposed. In 8 cases a 100% rent rebate has been assessed as being applicable.
- 1.3.12 Appendix (i) provides an over view of the first two phases of work carried out from July 2016 to date.
- 1.3.13 Appendix (ii) provides the planned programme of work over the next four phases of the planned community engagement from January 2017 onwards.

#### 1.4 Hub Projects;

- 1.4.1 The broad idea of a Community Hub is to make more efficient use of the community estate by maximising the use of certain assets and therefore reducing the costs apportioned to all users. One of the ways this is done is, to encourage and support different groups to co-locate within a single property.
- 1.4.2 There are currently a number of examples of this kind of facility sharing within the existing estate. For example:
- 1.4.2.1 Friern Barnet Library
- 1.4.2.2 Friary House,
- 1.4.2.3 The Meritage Centre
- 1.4.3 In accordance with the Community Asset Strategy Implementation Plan, the opportunity to develop further Hubs will always be considered but only after careful consultation and community engagement. The CAS Implementation Plan and other community projects are governed via the Community Projects Board, which is chaired by the Director of Resources. The Board is made up of all those Officers involved in the construction of community buildings, estates management and community engagement projects.

#### 1.5 **Community Engagement**

- 1.5.1 Individual Community Hub construction projects have their own internal Project Boards and collaborative working groups, where not only the various community groups are invited to attend but so are the councillors in whose ward the development resides.
- 1.5.2 Current feedback from the community groups and those Councillors consulted has, in general, resulted in positive feedback.
- 1.5.3 The CAS Implementation Plan has provided the opportunity to develop and improve community engagement. The level of Councillor involvement has also been further encouraged, with the added benefit of building additional relationships.
- 1.5.4 It is clear, from the community engagement so far undertaken, that nearly all community groups would like to have access to facilities directly under their own control, either for their own use or within their sphere of management. However, given the financial and land pressures within the Borough, this "ideal" is very difficult to achieve or sustain in all circumstances.
- 1.5.5 One of the very early lessons learned from the CAS Implementation plan has been that small groups often only use community space once or twice a week. This was identified in the CAS, and as such it is important to identify who the lead organisation is in such cases. It is at this point that

both the CBCC and the Lead Estates Surveyor (LES) meet with that group and act as facilitators, with a view to arranging for them to act as coordinators of the entire space available.

1.5.6 This level of engagement is to be continued and developed further during the continued roll out of the various strategies and initiatives being undertaken by the Council.

#### 2. REASONS FOR RECOMMENDATIONS

2.1 To allow members to assess progress of the Community Asset Strategy and Implementation Plan to date.

#### 3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not Applicable.

#### 4. POST DECISION IMPLEMENTATION

4.1 Not Applicable.

#### 5. IMPLICATIONS OF DECISION

#### 5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan 2015-20 states that the Council, working with local, regional and national partners, will strive to ensure that Barnet is a place:
  - of opportunity, where people can further their quality of life.
  - where people are helped to help themselves, recognising that prevention is better than cure.
  - where responsibility is shared, fairly.
  - where services are delivered efficiently to get value for money for the taxpayer.
- 5.1.2 The Community Asset Strategy Implementation plan encourages partnership and community engagement which wholly supports the Council's Corporate Plan.
- 5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)
- 5.2.1 The Community Benefit Assessment Tool seeks to address and provide a transparent system by which the services delivered to the community are measured in more than strict financial terms.

- 5.2.2 The costs of staffing are mitigated by the delivery of the CAS and the capital receipts projected to be delivered through further efficiencies in asset utilisation.
- 5.2.3 The Hub projects are continually evaluated through the aggregated procurement of project delivery systems and governance currently in place.

#### 5.3 **Social Value**

- 5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.
- 5.3.2 The CAS, the CAS Implementation plan are designed to ensure that Social Value is delivered to the wider community and the Councils' various Stakeholders. The CBAT assesses the social value that a group brings to the community, in financial terms, and calculates a subsidy that can then be applied to the market rent for the asset that may be leased to that group.

The key issue for a good score to be achieved is the level of activity the organisation undertakes. The CAS plan and the CBAT model distinguishes between those organisations that access the wider community at large and those that do not.

#### 5.4 Legal and Constitutional References

- 5.4.1 Local authorities are given powers under Section 123(2) of the Local Government Act 1972 (as amended) to dispose of land held by them in any manner they wish. Except with the consent of the Secretary of State for Communities and Local Government, a council cannot dispose of land, other than for the grant of a term not exceeding seven years, for a consideration less than the best that can reasonably be obtained.
- 5.4.2 A general consent dated 2003 has been issued by the DCLG, this can be used where the value foregone is less than £2 Million and the proposed lease would be for the social, environmental or economic well-being of the residents of the Borough.
- 5.4.3 Section 123 of the Local Government Act 1972 requires the Council to advertise the disposal of Public Open Space in a local newspaper for two consecutive weeks and to consider any objections received.
- 5.4.4 Should any project within the CAS Implementation plan meet the above criteria then the above processes will be triggered.
- 5.4.5 Objections will need to be considered before the Council decides whether or not to proceed. This can be dealt with by a member or an officer provided that

the appropriate authority has been delegated to them.

5.4.6 The Council Constitution, The Management of Asset, Property and Land Rules, Appendix 1, Table A sets out the acceptance thresholds which provides authority for the action. Financial arrangements up to £100,000 can be approved by a Director or Deputy Chief Operating Officer as per the Authorised Delegated Powers provisions, unless the matter is for less than best consideration, in which case it must be considered by ARG.

#### 5.5 Risk Management

- 5.5.1 There is a risk that a commercial organisation could inadvertently be awarded CBAT calculated rental subsidy; Careful checks take place, during the engagement process, to ensure that if a community group does not fall within the categories of: a registered Charity, a Community Interest Entity or a Trust, thus clearly demonstrating their commitment to the delivery of services to the community, then that organisation falls outside of the CBAT process.
- 5.5.2 Community groups could choose not to engage with the process under the CAS, which could jeopardise the awarding of rental subsidies; Most of the groups involved in the CBAT have responded to the experience in a positive manner, only two organisations have refused to engage but most recognise the value of the model. They are reassured by the fact the model offers an assessment for calculating rent subsidy which is transparent.
- 5.5.3 Currently there is no appeal process available; should an organisation, disagree with the calculated level of subsidy. This could result in disengagement from the process but this risk is mitigated by maintaining continuous dialogue, and coaching of the group to ensure an accurate assessment. Ultimately, should an organisation find itself in a position where it feels it is not being dealt with in a transparent and fair way, they can escalate their issues with the officers and / or seeking ward councillor support on their behalf.
- 5.5.4 Religious assets i.e. churches etc. are excluded from the CAS, which could result in a perception that faith groups are unfairly disadvantaged; by operating a fair and transparent subsidy assessment process that is applicable to all community groups who lease designated community assets, mean this risk is minimised to an acceptable level.
- 5.5.5 State Aid Rules are breached: In deciding whether to give the rent subsidy, the council will need to check whether this would amount to state aid, which could be considered as being unlawful. The appropriate processes and procedures are currently being developed to ensure that the Council is suitably protected. Such checks are continuously being undertaken to ensure that the Council is not breaching any of its statutory duties "...pursuant to Article 107(1) of the Treaty on the Functioning of the European Union (formerly Article 87(1) of the EC Treaty)".

#### 5.6 Equalities and Diversity

- 5.6.1 Under the 2010 Equality Act the Council must have due regard to the need to:
  - a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
  - b) advance equality of opportunity between people from different groups
  - c) promote and foster good relations between people from different groups and with a protected characteristic and those without.

The 'protected characteristics' referred to are: age; disability; gender reassignment; pregnancy and maternity; race; religion and belief; sex; sexual orientation. It also covers marriage and civil partnership with regards to eliminating discrimination. Up to date information about the Equalities impact of the proposal and details of how this has been assessed

5.6.2 The CAS Implementation plan does not raise any issues under the Council's Equalities Policy and does not have a bearing on the Council's ability to demonstrate that it has paid due regard to equalities as required by the legislation. No immediate equality impacts are anticipated as a result.

#### 5.7 Consultation and Engagement

5.7.1 Adherence to the CBAT process and rent review / lease renewal negotiations require a great deal of community engagement. This is demonstrated within appendix (i)

#### 6. BACKGROUND PAPERS

6.1 The Community Asset Strategy

https://employeeportal.lbbarnet.local/dam/documents/departments-and-services/internal-support-services/estates-and-facilities/CAS-Implementation-Plan\_FINAL-REDUCED-

PRINT/CAS%20Implementation%20Plan\_FINAL%20REDUCED%20PRINT.p df

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### Appendix (i) CAS Implementaion Phases 1 & 2 Nov 16

Asset	Location	Tenant	Valuation completed	Activity log completed	CBAT completed	Business case completed	НоТ	Lease
CBAT roll out phase one								
Hendon Rugby FC, Copthall Sports Centre, Greenlands Lane, NW4 1RL	Mill Hill	Hendon Rugby Football Club	Yes	Completed	Completed	Completed	No	No
Mill Hill Rugby FC, Copthall Sports centre, Champions Way, NW7 2EL	Mill Hill	Mill Hill Rugby Football Club	Yes	Completed	Completed	Draft	No	No
Mill Hill Village Sports Club, Burtonhole Lane, NW7 1AS	Mill Hill	Mill Hill Village Sports Club	Yes	Completed	Completed	Completed	Draft	No
CCSFA; Old Copthall School Site, NW7	Mill Hill	CCFSA	No	Completed	Completed	Completed	Yes	No
SWBA - Tarling Road Community Centre N2	East Finchley	Tarling Road Community Centre	Yes	Completed	Completed	Completed	Draft	No
NW7 Hub - Daws Lane NW7	Mill Hill	Dawes Lane NW7	Yes	Completed	Completed	Completed	Draft	No
Independent Living Centre (Former Flightways) The Concourse, NW9 5UX	Colindale	Maxability	Yes	Completed	Completed	Completed	Draft	No
Meritage Club, Church End, NW4 4JT	Hendon	Age UK	Yes	Completed	Completed	Completed	No	No
Meritage Club, Church End, NW4 4JT	Hendon	СМНА	Yes	Completed	Completed	Completed	No	No
Independent Living Centre (Former Flightways) The Concourse, NW9 5UX	Colindale	BBSI	Yes	No	No	This organisation will be granted a license to occupy at they only use the property one or two days per week. As a result they will not be entitled to a CBAT subsidy		erty one or two
Independent Living Centre (Former Flightways) The Concourse, NW9 5UX	Colindale	Nepalese Community	Yes	Completed	Completed	No	No	No
Community Focus; Friary House, 1st Fl, Pt 2nd Fl & Store in Stable, Friary Park, N12	Finchley	Community Focus	Yes	Completed	Completed	Completed	Yes	Yes
TS Broadsword, 61 Cool Oak Lane NW9	West Hendon	TS Broadsword	Yes	Completed	No	No	No	No
Asset	Location	Tenant	Valuation completed	Activity log completed	CBAT completed	Business case completed	НоТ	Lease
CBAT roll out phase two								
Algernon Road Multi Cultural Centre, Algernon Road, NW4 3TA	West Hendon	Algernon Road Multicultural Day Centre Ltd	Yes	No	No	No	No	No
Friern Barnet Library, Friern Barnet Road, N11 3DS	Coppetts	Friern Barnet Community Library	Yes	Completed	Draft	in progress	No	No
Friary House, Ground Floor, Friary Park, N12	Finchley	Barnet Asian Women Association	Yes	Yes	No	No	No	No
Grahame Park All Weather Pitch, Grahame Park Way, NW9	Colindale	Paul Fitzgerald	Yes	Yes	Yes	No	No	No
Hendon Mosque and Islamic Centre, 4a Park Road, NW4 3QB	West Hendon	Trustees of the Hendon Mosque and Islamic Centre	Yes	Yes	Yes	Draft	No	No
North Road Community Centre	Burnt Oak	North Road Community Association	Yes	Yes	Draft	Draft	No	No
Society of Model Engineers, 1 Legion Way, N12 0PZ	Woodhouse	North London Society of Model Engineers	Yes	Yes	Yes	Draft	No	No
Sea Cadets, 184a Long Lane, N3 2RA West Finchley Finchley Sea Cadets			Yes			Moved to	phase three of t	he CBAT
RSPCA, 28 Market Place, N2 8BB	East Finchley	RSPCA	Yes	Yes	Draft	Draft	No	No

Most of the groups involved in the CBAT have responded to the experience in a positive manner, only two organisation have refused to engage and most recognise he value of the model. They are reassured by the fact the model offers an assessment for calculating rent subsidy which is transparent. However it should be noted that most of the organisations involved in the CBAT to date are net gainers from the system. In phase three and four of the process many of the organisations are unlikely to benefit in the same way and as a result the response to the process may vary.



### Appendix (ii) CAS Implementaion Planned Phases 3 - 7

Asset	Location	Tenant	2016 Valuation Completed
CBAT roll out phase three - Jan to M	ar 2017		·
Barnet 1 <sup>st</sup> Scout Group, Priory Grove, EN5	Underhill	Barnet First Scout Group	yes
Sea Cadets, 184a Long Lane, N3 2RA	West Finchley	Finchley Sea Cadets	yes
3 <sup>rd</sup> East Barnet Scout Group, Vernon Crescent, EN4 8QG	East Barnet	3rd East Barnet Scout Group	yes
East Barnet Scout Hut, Osidge Lane, N14 5DU	Brunswick Park	5th East Barnet Scout Association	yes
Hendon 16 <sup>th</sup> Scout Group, Brownsea Walk, Sanders Lane, NW7 1BF	Mill Hill	The Scout Association Trust Corporation - occupier Hendon 16th Scout Group	yes
Finchley Scouts, R/O 190-192 Long Lane, N3	West Finchley	22 Finchley Scout Group	yes
Friary House, Room Pf11, Friary Park N12	Friern Barnet	Barnet Elderly Asian Group	yes
1374 East Barnet Squadron, Gloucester Road, EN5 4BP	Oakleigh	Territorial Auxiliary and Volunteer Reserve Association	yes
Friary House, Room Ps2 (Shared )M R 2 , Friary Park, N12	Friern Barnet	African Refugee Community	yes
Phoenix Canoe Club(Former North Circular Sailing Club), Woodfield Park, Cool Oak Lane, NW9 7ND	West Hendon	Phoenix Canoe Club	Yes
CBAT roll out phase four - Mar to Ma	ay 2017		
Oakhill Park Bowls Club, Oakhill Park, EN5	East Barnet	The Trustees of Oak Hill Park Golf Club	Yes
West Hendon Community Centre, Marsh Drive, NW9 7QE	West Hendon	Operated by Barnet Homes	Yes
St John's Ambulance, Church Farm Garage, Church Farm, EN4	Brunswick Park	St John Ambulance	Yes
Former Association of Veterans of Foreign Wars, Osidge Lane, N14 5DU	Brunswick Park	Trustees of Theotheraphy Christian Fellowship	Yes
Nomads Community Gym, 3a Hamonde Close, HA8 8TG	Edgware	Mr Steven Mills T/A Nomads Community Gym	Yes
Grahame Park Community Centre, The Concourse, NW9 5XB	Colindale	Operated by Barnet Homes	Yes
Barnet Housing Aid Centre, part 36b Woodhouse Road, N12 0RG	Woodhouse	Housing Aid	Yes
Barnet Talking Newspaper, Wetherill Road, N10 2LS	Coppetts	Barnet Borough Talking Newspapers	yes
Homeless Action in Barnet, part 36b Woodhouse Road, N12 0RG	Woodhouse	Homeless in Action	Yes
TAVRA, Watling Park Former Bowling green, Colchester Road, HA8	Burnt Oak	Territorial and Army Volunteer Reserve	Yes
CBAT roll out phase five - Jun to Jul	y 2017		
East Barnet Rifle Club Albert Road, EN4 9SH	East Barnet	East Barnet Shooting Club	Yes
Tower Gym, Church Farm, Church Hill Road EN4	Brunswick Park	Neil Godly Oxygen Fitness	Yes
Incognito Theatre, Holly Park Road, N11 3HB	Coppetts	Incognito Theatre Group	Yes
Former Scout Hut, Avion Crescent, off Grahame Park Way, NW9 5QY	Colindale	Northwest Churches	Yes
Bishopswood Bowling Club, Summers Lane, N12 0PD	Woodhouse	The Bishopswood Bowling Club	Yes
Noel Lounge, Grahame Park, NW9	Colindale	Trustees of the Somali Graduate association	Yes

Hanuman Community Centre, Marquin Centre, Marsh Drive, NW9 7QE	West Hendon	Hanuman Community Centre Trustees	Yes
Northway Tennis Centre, Northway Gardens, NW11 6RJ	Garden Suburb	Stephen Poxon	Yes
Minotaur Thai Boxing Gym, Back Lane, HA8 0AS	Burnt Oak	The North London Fitness Centre	Yes

## CBAT roll out phase six - Aug to Oct 2017

Old Camdenians Sports and Social Club, Burtonhole Lane, NW7 1AS	Mill Hill	The Old camdenians Sports Club	Yes	
Former Scout Hut, Market Lane, Burnt Oak, HA8	Burnt Oak	Faith Community Limited	Yes	
New Barnet Community Centre 48-50 Victoria Road, EN4 9PF	East Barnet New Barnet Community Association		Yes	
North Road Community Centre, 230 North Road, HA8 0AP	Burnt Oak	Trustees of the North Road Association	Yes	
Barnet CAB, 40/42 Church End, NW4 4JT	Hendon	Barnet Citizens Advice Bureau Ltd	Yes	
Barnet CAB 44 Church End, NW4 4JT	Hendon	Barnet Citizens Advice Bureau Ltd	Yes	
Sherrick House (Pt) 30 Church End, NW4 4JX	Hendon	Barnet Mencap	Yes	
Sherrick House (Pt) 28 Church End, NW4 4JX	Hendon	African Cultural Association	Yes	
Bishopswood Bowling Club, Lyttelton Playing Fields, Norrice Lea N2 0DD	Garden Suburb	Bishopswood Bowling Club	Yes	
Princes Park Youth FC, Woodfield Park, Cool Oak Lane, NW9 7ND	West Hendon	Princes Park Youth FC	Yes	

## CBAT roll out phase SEVEN - Oct to Dec 2017

St John's Ambulance, Priory Grove, EN5 2BE	Underhill	St John Ambulance	Yes
Barnet Lawn Tennis Club, Gloucester Road, EN5 1RS	Oakleigh	Barnet Lawn Tennis Club	Yes
The Stables Horse Activity Centre, Barnet Lane, EN5 2DN	Totteridge	The Stables Horse Totteridge Activity Centre. Charity No 1108451	
Moat Mount Camp Site, Barnet Way, NW7	Hale	Trustees of the Friends of Moat Mount camp Site	Yes
Frith Grange Camping Ground	Mill Hill	Scout Association	Yes
Hendon Rifle Club, Woodfield Park, Cool Oak Lane, NW9 7NB	West Hendon	Trustees of the Hendon Rifle Club	Yes
Chin Woo Ltd, Lower Ground Floor West Hendon Playing Fields Pavilion, Goldsmith Avenue NW9 7EU	West Hendon	Chinwoo UK Limited	Yes
Parkside View Nursery, Ground Floor West Hendon Playing Fields Pavilion, Goldsmith Avenue NW9 7EU	West Hendon	Parkside View Nursery Limited	Yes
Barnet Table Tennis Club, Barnet Lane Playing Fields, EN5 2DN	Underhill	Barnet table tennis centre	Yes

